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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,521	08/02/2001	Victor Kouznetsov	NET AP010	6807
28875	7590	05/03/2005	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			HOSSAIN, TANIM M	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/921,521

Applicant(s)

KOUZNETSOV ET AL.

Examiner

Tanim Hossain

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 5, 6, 9, 11-14, 17, 18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fanning (U.S. 6,742,023) in view of Sull (U.S. 2002/0069218), in further view of Cooper (U.S. 2001/0051996), in further view of Ritter (U.S. 2004/0199474).

As per claim 1, Fanning teaches a method for securely confirming performance of task by a peer in a peer-to-peer network, comprising: receiving a response to a search request containing a local alias URL, the local alias URL pointing to a destination on a responding server node (column 3, lines 17-18, 50-52; column 10, lines 49-65; where the returned results and data file descriptions are in URL form, and the user selects these results, which correspond to servers containing the data file, to initiate download); forwarding the task to the local alias URL for performance of the task by the responding server node (column 12, lines 8-28); and wherein after receiving, a message is broadcasted indicating that the requesting peer has located the responding server node (column 12, lines 8-28; where the returned results to be downloaded is the broadcast of the message, the returned results corresponding to certain servers). Fanning does not specifically teach broadcasting a request over the network by a requesting peer for a task with

respect to a remote non-local backend server. Sull teaches the limitation of broadcasting a task request to peer nodes over a network (page 35, paragraph 455). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a process to broadcast a search request to peer nodes on a network, as taught by Sull in the system of Fanning. Both inventions are from the same field of endeavor, namely the sharing of data files through a network. The motivation to combine teachings lies in the fact that the success of Fanning's invention is dependent on peer node participation. Broadcasting a search request to involve many nodes in a network would achieve this end, and would thus have been obvious to include. Fanning does not specifically teach the verifying of a digital signature of any receipt packet received from the responding server node to ensure that the receipt packet is from the remote non-local backend server. Cooper teaches the limitation of verifying a digital signature of a packet received from a server (page 2; paragraphs 0017, 0019). It would have been obvious to one of ordinary skill in the art at the time of the invention to include an authentication procedure to ensure that the files received are legitimate and safe, as taught by Cooper in the system of Fanning. The motivation for combining teachings is predicated on the fact that both inventions are from the same field of endeavor, namely the efficient network distribution of data, in a safe and seamless manner. There also exists a need to ensure that downloaded files are safe for use and come from a trusted source from which the file was originally downloaded, so as to prevent viruses and other inconveniences, which are rampant since the advent of network data transfer. Cooper's teaching in the system of Fanning would solve this problem and would thus have been obvious. Fanning does not specifically teach the placing of the server node in a blacklist if the verification is unsuccessful. Ritter teaches the placement of a server on a blacklist if certain

criteria are not met (paragraphs 0061, 0074). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the placement of extraneous servers onto a blacklist, as taught by Ritter into the system of Fanning. The motivation for doing so lies in the fact that having a blacklist creates a situation in which the user can easily which servers to avoid in the future. This increases the efficiency of Fanning's invention. Both inventions are from the same field of endeavor, namely the network-enabled sharing of data.

As per claim 3, Fanning-Sull-Cooper-Ritter teaches a method for securely confirming performance of task by a peer of claim 1, further comprising awaiting a maximum upload receipt time period for receiving the receipt packet (Fanning: column 3, lines 40-43).

As per claim 4, Fanning-Sull-Cooper-Ritter teaches a method for securely confirming performance of task by a peer of claim 3, but does not specifically teach the placement of the server node in the black list of the requesting peer if a receipt packet fails to arrive within said maximum upload time period. Ritter teaches the placing of servers on blacklists based on certain parameters (paragraphs 0061, 0074). Since the teachings of Fanning-Sull-Cooper-Ritter account for the filtering of servers by latency time, the blacklisting of these servers by these parameters would have been obvious to one of ordinary skill in the art at the time of the invention. The motivation for doing so lies in the fact that adding to the blacklist for slow servers, for example, as taught by Ritter in the system of Fanning-Sull-Cooper increases the efficiency of the invention, such that the user will know which servers to avoid in the future. All inventions are from the same field of endeavor, namely the network transmission and reception of data.

As per claim 5, Fanning-Sull-Cooper-Ritter teaches a method for securely confirming performance of task by a peer of claim 3, wherein the maximum upload receipt time period is

determined based upon at least one of size of task being performed, transmission speed, and frequency of which the responding server node performs the task (Fanning: column 10, line 66 – column 11, line 5; column 11, lines 19-30).

As per claim 6, Fanning-Sull-Cooper-Ritter teaches a method for securely confirming performance of task by a peer of claim 1, wherein the digitally signed response is signed by a VeriSign digital certificate (Cooper: pages 9-10; paragraph 134). Fanning-Sull-Cooper-Ritter does not specifically teach the use of 1024 bits in the certificate. Official notice is taken that 1024 bits in a VeriSign digital certificate is well known to one of ordinary skill in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the well-known component of a 1024-bit VeriSign digital certificate into the VeriSign digital certificate of the Fanning-Sull-Cooper system, because it would achieve higher security and file integrity, leaving the files less susceptible to decryption and hacking.

Claims 9, 11, 12, 13, 14, and 16 are rejected on the same bases as claims 1, 3, 4, 5, 6, and 8 respectively.

As per claim 17, Fanning-Sull-Cooper-Ritter teaches a method for securely confirming performance of task by a peer of claim 3, wherein the maximum upload receipt time period is set based on a frequency of which an uploading service at the responding server node performs an upload, a size of a file being uploaded, and a transmission speed (Fanning: column 10, lines 55-65).

As per claim 18, Fanning-Sull-Cooper-Ritter teaches a method for securely confirming performance of task by a peer of claim 1, wherein the method reduces a number of service clients that have to obtain files via the Internet (Fanning: column 4, lines 19-34).

Claim 21 is rejected on the same basis as claim 1.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fanning-Sull-Cooper-Ritter in view of Morris et al. (U.S. 6,496,851).

As per claim 8, Fanning-Sull-Cooper-Ritter teaches a method for securely confirming performance of task by a peer of claim 1, but does not specifically teach that the task is an uploading task and wherein said forwarding the task to the local alias URL includes forwarding a file to be uploaded to the remote non-local backend server. Morris teaches a file transfer mechanism, where the user forwards an upload request to a peer with an alias URL, and upon acceptance, this peer uploads the file from the user (Fanning: column 9, lines 61-64; column 12, lines 44-51). It would have been obvious to include a mechanism for uploading files by request, as taught by Morris in the system of Fanning-Sull-Cooper-Ritter. The motivation for doing so lies in the fact a user may desire to send files to other peers voluntarily. Morris' teaching in the system of Fanning-Sull-Cooper solves this need. All teachings are from the same field of endeavor, namely, the efficient and reliable transfer of files over a network.

Claim 16 is rejected on the same basis as claim 8.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fanning-Sull-Cooper-Ritter in view of Chen et al (U.S. 5,832,208)

As per claim 19, Fanning-Sull-Cooper-Ritter teaches a method for securely confirming performance of task by a peer of claim 1, but does not specifically teach the updating of security files to achieve this end. Chen teaches the updating of antivirus protection (Abstract). It would

have been obvious to one of ordinary skill in the art at the time of the invention to include security measures, as taught by Chen in the system of Fanning-Sull-Cooper-Ritter. The motivation for doing so lies in the fact that in such a system, malicious files cannot corrupt the system of a client because of this protection. All inventions are from the same field of endeavor, namely the network-facilitated data transfer.

As per claim 20, Fanning-Sull-Cooper-Ritter-Chen teaches a method for securely confirming performance of task by a peer of claim 19, wherein the security files include firewall files and anti-virus application files (Chen: paragraph 175, Fanning: column 8, lines 21-34).

### *Response to Arguments*

Applicant's arguments filed December 1, 2004 have been fully considered but are not persuasive.

a. Applicant argues "Fanning does not even suggest a response including a URL." Examiner respectfully disagrees. A URL can be any type of marker, which forms a representation of a resource. In the case of Fanning, the returned results are the representations of the resource. The user, when selecting a file to download, selects the representation of the file (which in this case, is the filename), which then corresponds to a certain server, which contains the file in question. Therefore, URLs are returned as results of a file search, which correspond to various back-end servers.



b. Applicant argues “downloading from the server does not necessitate the broadcasting of a message indicating that the requesting peer has located the responding server node.”

Examiner finds this assertion to be fallacious, as any indication that the client is downloading a file from a peer (as is abundantly common in file transfer applications) constitutes the broadcasting of a message, indicating that the requesting peer has located the necessary server to achieve this download.

c. Applicant argues “there is not even a suggestion...of any sort of placement of a server node in a black list.” Examiner agrees. However, the concept presented is that of placing objects in a black list. In the case of Barkan’s invention, offending objects are placed into a black list. By that logic, it would be obvious to one of ordinary skill in the art at the time of the invention to place offending servers into a black list.

d. Applicant argues that “the proposed combination fails to suggest placing the server node in a black list of the requesting peer based on the condition that a receipt packet fails arrive within a maximum upload receipt time period.” Fanning teaches the filtering of servers by parameters of bandwidth, dependability, etc. In light of this ability to filter these servers, it would have been obvious to one of ordinary skill in the art at the time of the invention to place these filtered servers into a group, forming a list of pruned servers, especially in view of Ritter’s teachings in which servers are placed in blacklists based on certain performance criteria. Therefore, the assertion that the combination does not teach the placement of servers into a list is false.

e. Applicant argues that the “combination (of Morris) fails to even suggest the operation of forwarding the task to the local alias URL including forwarding a file to be uploaded to the

remote non-local back-end server.” This assertion is not true. In the teaching of Morris, two users are in communication with each other. One of the users requests the other user to upload a file. This request appears in the form of a URL, which is constituted by the second user’s choice of clicking “OK” or “Cancel.” The representation of the receiving user is also in URL form; therefore the forwarding of the task takes place. Combined with the other inventions, this assertion is properly overcome.

f. All remaining arguments are addressed in the new rejection.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

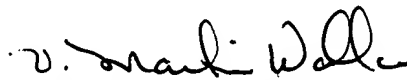
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571/272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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